

ORDINANCE NO. 09-15

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 86 ENTITLED "TAXATION", ARTICLE II. LOCAL BUSINESS TAX, AND IN PARTICULAR, REVISING HIALEAH CODE § 86-43 ENTITLED "SCHEDULE OF TAX BY BUSINESS CLASSIFICATION" TO REDUCE THE LOCAL BUSINESS TAX FOR FORTUNETELLERS, ETC. FROM \$1,000.00 TO \$250.00 FOR EACH LICENSE YEAR; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hialeah finds that it is in the best interest of comity, health, safety, welfare and the proper administration and governance of the City to reduce the annual business tax receipt for fortunetellers, spiritual consultation, astrologers, mediums, healers, etc. to make such taxes more affordable.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 86 entitled "Taxation", Article II. Local Business Tax, of the Code of Ordinances of the City of Hialeah, Florida, in particular, Hialeah Code § 86-43 entitled "Schedule of tax by business classification", is hereby amended to read as follows:

Chapter 86

TAXATION

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ARTICLE II. LOCAL BUSINESS TAX

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The amount of business tax that shall be paid by the different classifications of businesses shall be as set forth in the following schedule opposite each classification, such tax shall be computed annually unless otherwise specified. The schedule generally follows the order and numerical sequences of the Standard Industrial Code (SIC). Regulatory requirements for specific business activities are listed in the schedule as well as the tax.

Industry	Description and Regulation	Fee
*	*	*
7999F. Fortunetellers, spiritual consultation, astrologers, horoscopes , 1,000 <u>250</u>		
<u>horoscope readers</u> , mediums, healers, etc., as per Ordinances 89-17		
and 89-18. Distance requirements.		

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections

of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

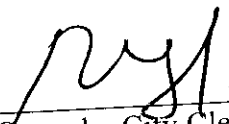
Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

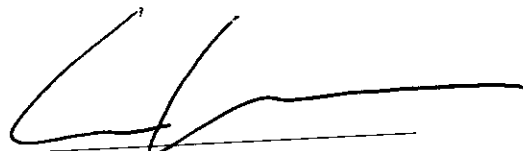
PASSED AND ADOPTED this 24th day of February, 2009.

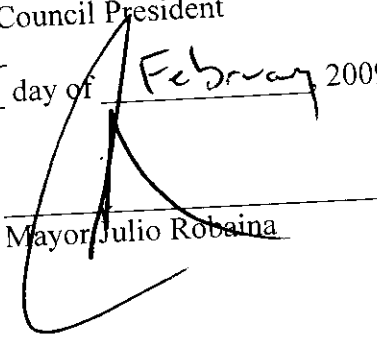
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:

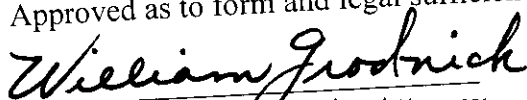

Rafael E. Granado, City Clerk

Approved on this 25 day of February, 2009.


Carlos Hernandez
Council President


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Councilmembers, Casals-Muñoz, Cue, Gonzalez, Hernandez, Garcia-Martinez, and Yedra voting "Yes" and Councilmember Caragol absent.